

REMARKS

Reconsideration of the present patent application is respectfully requested. Claims 1-20 are pending in this application. By this amendment, new claims 21-22 has been added.

Claim Rejections- 35 U.S.C. §102(e)

Claims 1-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by Breed (USPN 6,738,697). To be an “anticipation” rejection under 35 U.S.C. § 102, the reference must teach each and every element and limitation of the Applicants’ claims. Rejections under 35 U.S.C. § 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art. Applicants respectfully submit that the Breed reference cited by the Patent Office fails to teach all of the claim limitations as set forth in the present invention.

Applicants’ respectfully submit that Breed does not teach *stopping a vehicle in response to the stop signal from a telematic device by applying one or more of the following: a vehicle primary brake system, a vehicle spring brake system, an engine torque reducer, and a vehicle torque limitation device* as recited in claim 1. Nor does Breed teach *relaying a stop signal from a telematic device to a vehicle and transmitting or communicating via communication buses the stop signal to one or more of a primary brake system, a spring brake system, and an engine ECU* as recited in claim 19 and 20.

Breed teaches sending sensor data *from the vehicle* to a remote location (see, for example, Objects of the Invention section) (the SAW based keyless entry system, referenced by the Office Action, is discussed further below), it does not teach or contemplate using a telematic device to send a stop signal to the vehicle and transmitting that signal to a primary brake system, a spring brake system, and an engine ECU.

In response to Applicants’ arguments regarding the Breed reference in the previous response, the Office Action references the keyless entry system described in Breed at col. 59, lines 49-57. In this section, Breed teaches that the door of a vehicle can unlock when a SAW based card is within a certain distance of the vehicle. Further, Breed teaches that when the SAW based card is detected within the vehicle, the driver may start the vehicle by a voice command or by a push button, thus eliminating the need for an ignition key. The Office Action suggests that this implies a start/unstart/stop signal based on voice recognition.

Notwithstanding whether such an implication is appropriate, Breed still does not teach all of the elements as claimed by the Applicants. Breed describes using *a voice command* to start the vehicle, not a signal from a telematic device. If we assume that the SAW based card can be considered a telematic device, it still does not relay a stop signal, real or implied. Thus, the conclusions reached in the Office Action are not supported by the Breed reference. Furthermore, is we assume the above implication may be made, Breed only discusses turning the engine on or off via voice recognition, not stopping the vehicle or relaying a stop signal to the systems as described in independent claims 1, 19, and 20.

In addition to the discussion of the keyless entry system, the Office Action repeatedly cites to three sections of the Breed reference to identify where each and every element and limitation of the Applicants' claims are taught in the reference. Namely, the Office Action points to (i) the abstract, (ii) col. 2, lines 38-51, and (iii) col. 82, lines 41-48. Applicants respectfully submit that these sections do not teach each and every element and limitation of the Applicants' claims.

Contrary to the suggestion in the Office Action, the abstract does not teach a method for stopping a vehicle or sending a signal requesting the vehicle to stop via a telematic device (see Office Action page 3, section 7, first paragraph) or transmitting a stop signal to a vehicle ECU (see Office Action page 4, section 7, first paragraph). The abstract, in fact, does not mention anything regarding stopping the vehicle. Instead, the abstract simply teaches that the system in Breed includes a communication device that transmits output of the system to a remote location, possibly via a satellite or the internet (*i.e.* sending diagnostic sensor data *from the vehicle* to a remote location).

Likewise, col. 2, lines 38-51 and col. 82, lines 41-48, do not appear to teach each and every element and limitation of the Applicants' claims. Col. 2, lines 38-51 merely states that the ECU can monitor various components of the vehicle including . . . speed/acceleration control, . . . , braking systems, etc., and suggests that communications between the vehicle and a remote assistance facility are important for diagnostics. There appears to be no mention or instruction regarding a stop signal being transmitted to the vehicle. Col. 2, lines 38-51 teach that the ECU may be used to control the braking system in order to maintain stability of the vehicle. It does not teach commencing a stop sequence, communicating a stop signal to a telematic device, or relaying a stop signal from a telematic device to a vehicle. Thus, the sections of the Breed

reference cited in the Office Action do not appear to support the conclusions reached in the Office Action.

The new claims 21-22 are distinguished over the prior art for the same reasons as described above and further for the reason that Breed does not disclose stopping the vehicle by applying a vehicle brake system or running diagnostic tests to determine whether a vehicle stop request signal may be received.

CONCLUSION

Based on the foregoing remarks, Applicants believe that all of the claims in this case are now in condition for allowance and an indication to that effect is respectfully requested. Furthermore, if the Examiner believes that additional discussions or information might advance the prosecution of this case, the Examiner should feel free to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

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